

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

METROPLEX ATHEISTS,
Plaintiff,

v.

CITY OF FORT WORTH,
DOWNTOWN FORT WORTH, INC.,
MATTIE PARKER,
CARLOS FLORES,
MICHAEL D. CRAIN,
CHARLES LAUERSDORF,
GYNA BIVENS,
JARED WILLIAMS,
MACY HILL,
CHRIS NETTLES,
ELIZABETH M. BECK,
ALAN BLAYLOCK,
JEANETTE MARTINEZ,
DAVID COOKE,
WILLIAM JOHNSON, *each in their
individual and official capacities,*
Defendants.

Civ. Action No. 4:23-cv-00736-O

PLAINTIFF'S MOTION FOR HEARING ON PRELIMINARY INJUNCTION

The Plaintiff, Metroplex Atheists (MA), by counsel, respectfully requests that this Court set oral argument on Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction in the above-captioned matter. In support of this motion, Plaintiff states:

1. Plaintiff filed its Complaint (Dkt. No. 1), as well as a Motion for Temporary Restraining Order and Preliminary Injunction with supporting documents (hereinafter, collectively referred to as the "PI Motion") (Dkt. Nos. 3, 3-1,

3-2, 4, 5), on July 17, 2023, seeking relief under the First Amendment of the United States Constitution, as applied to the states through the Fourteenth Amendment. (Dkt. No. 1, 3, 4.)

2. On July 18, 2023, the Court entered an Order denying Plaintiff's request for an *ex parte* temporary restraining order and ordered Plaintiff to provide notice of the motion to Defendants and file a notice on the docket providing details of such notice. The order also instructed the parties to file a joint report with proposed deadlines for adjudicating Plaintiff's claims for preliminary injunctive relief. (Dkt. No. 8.)

3. From July 17 through 27, 2023, Plaintiff's counsel conferred via telephone and email with Laetitia Coleman Brown, counsel for Defendant City of Fort Worth, regarding service of process and Plaintiff's PI Motion, including coordinating with regard to a hearing date.

4. On Tuesday, July 25, 2023, Defendant City of Fort Worth was served with a copy of the Complaint and PI Motion. (Dkt. No. 12.)

5. From July 21 through 27, 2023, Plaintiff's counsel conferred via telephone and email with Charles B. Milliken and Daniel L. Bates, counsel for Defendant Downtown Fort Worth, Inc., regarding service of process and Plaintiff's PI Motion, including coordinating with regard to a hearing date.

6. On Tuesday, July 25, 2023, Defendant Downtown Fort Worth, Inc. was served with a copy of the Complaint and PI Motion. (Dkt. No. 13.)

7. On Wednesday, July 26, 2023, pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Plaintiff filed a Notice of Dismissal Without Prejudice As To Defendants Parker, Flores, Crain, Lauersdorf, Bivens, Williams, Hill, Nettles, Beck, Blaylock, Martinez, Cook, and Johnson. (Dkt. No. 11.)

8. On Thursday, July 27, 2023, in accordance with this Court's Order entered on July 18, 2023, Plaintiff filed its Notice of Service and Conference. (Dkt. No. 14.)

9. In its pending PI Motion, Plaintiff requests that this Court require the Defendants to rescind their denial of Plaintiff's application to participate in the City of Fort Worth's Downtown Banner Program from August 8 through 22, 2023, and take all affirmative steps to ensure that Plaintiff's banners are displayed as previously arranged, consistent with the Defendants' treatment of requests by other nonprofit entities to participate in the Program.

10. In light of the time-sensitive nature of its claims, and after conferring with counsel for the Defendants, the parties have filed a Joint Status Report and Proposed Briefing Schedule requesting a hearing on August 4, 2023, and expedited briefing schedule so that the Court may, if it feels necessary in order to reach a timely decision, have the benefit of hearing argument on this matter.

WHEREFORE, having conferred with opposing counsel and considering the potential scheduling conflicts, Plaintiff Metroplex Atheists respectfully requests that this Court:

- A. Set oral argument on Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction for August 4, 2023, as stated in the Joint Status Report and Proposed Briefing Schedule (Dkt. No. 15), or such other date the Court deems appropriate;
- B. Enter an order setting an expedited briefing schedule requiring Defendants to submit their opposition to the PI Motion by August 2, 2023, and Plaintiff to reply by August 4, 2023, in accordance with the Joint Status Report and Proposed Briefing Schedule (Dkt. No. 15).

Respectfully submitted,

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METROPLEX ATHEISTS

* *Application for pro hac vice admission pending.*

CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2023, a true and correct copy of the foregoing *Motion for Hearing* was served electronically via the Court's ECF system upon all parties receiving such notice in this Action.

By: /s/ M.E. Furse
MATTHEW E. FURSE